

By

Waller

S.J.R. No.

144

26

SENATE JOINT RESOLUTION

Proposing a constitutional amendment stating that the District Court concurrently with the County Court shall have the general jurisdiction of a Probate Court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the District Court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the Legislature may increase, diminish or eliminate the jurisdiction of the District Court or County Court in probate matters, and further providing that the Legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between District Courts, County Courts, and other courts having jurisdiction thereof, and further providing that the Legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article V, Section 8, Constitution of the State of Texas, be amended by adding a paragraph to read as follows:

The District Court, concurrently with the County Court, shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the District Court shall also have all other jurisdiction conferred upon the District Court by law. The Legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the District Court or the County Court in probate matters, and in cases of any such change of jurisdiction, the Legislature shall also conform the jurisdiction of the other courts to such change. The Legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may

provide that all appeals in such matters shall be to the courts of (civil) appeals."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment stating that the District Court concurrently with the County Court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the District Court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the Legislature may increase, diminish or eliminate the jurisdiction of the District Court or County Court in probate matters, and further providing that the Legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and further providing that the Legislature may provide that all appeals in such matters shall be to the court of (civil) appeals."

Austin, Texas

May 3, 19 73

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Jurisprudence,
to which was referred SJR B. No. 26, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.



Chairman Herring

CAS

A

Engrossing Clerk

By: Wallace

S.J.R. No. 26

SENATE JOINT RESOLUTION

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23 testamentary and of administration, settle accounts of executors,
24 transact all business appertaining to deceased persons, minors,

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 9 Constitution notwithstanding, to increase, diminish or eliminate
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 11 in probate matters, and in cases of any such change of
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FORM A

COMMITTEE REPORT

Date 5-23-73

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on Judiciary, to whom was referred SJR No. 26, have had the same under consideration and beg to report back with recommendation that it ~~(do not)~~ ^{do} pass.

The Committee recommends that this measure be considered for the ~~(Consent)~~ ^{Local} Calendar. ~~Record Vote~~ ^{No} ~~(Yes)~~

House sponsor of Senate measure: Washington

The measure was reported from Committee by the following record vote:

<u>11</u>	ayes
<u>0</u>	nays
<u>2</u>	present, not voting
<u>10</u>	absent

P. O. Walker
Chairman

~~This measure proposes new law.~~

BILL ANALYSIS

1. BACKGROUND

Contested probate cases heard and decided in County Court are almost universally appealed to the District Court where an entire new trial (trial de novo) is held rehearing and redeciding the same issues. Changing the jurisdiction of the courts would prevent this duplication and waste of judicial time and taxpayer's money.

2. PURPOSE

To give District Courts, concurrently with County Courts, the general jurisdiction of a Probate Court.

3. SECTION BY SECTION

Section 1. Amends the Constitution to give District Courts, concurrently with County Courts, the general jurisdiction of a Probate Court.

Section 2. Submission to voters.

SUMMARY OF COMMITTEE ACTION:

The Committee on Judiciary posted notice in
Accordance with Rule VIII, Section 17, and considered ^{SJR}~~HR~~ No. 26
in a public hearing/formal meeting on _____, 1973. ~~The~~
~~bill was referred to Sub-committee and reported back Favorably to the~~
~~full committee with amendment(s) on _____, 1973.~~ The
Committee voted on 5-23, 1973 by a record vote of
11 ayes and 0 nays, to report the bill back to the House
Favorably/~~Unfavorably~~ with the recommendation that it ~~do~~/~~do not~~ pass,
as amended.

~~This bill proposes new law by adding~~

By: Wallace

S.J.R. No. 26

March 20, 1973, PERMISSION GRANTED TO INTRODUCE.

DOROTHY HALLMAN

Chief Clerk, House of Representatives

(In the House.--March 22, 1973, read first time and referred to Committee on Judiciary.)

HOUSE JOINT RESOLUTION

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May 36, 1973
M. Okey

S.J.R. No. 26

SENATE JOINT RESOLUTION

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S.J.R. No. 26

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S.J.R. No. 26

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 26 was adopted by the senate on May 21, 1973, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.J.R. No. 26 was adopted by the house on May 25, 1973, by the following vote: Yeas 126, Nays 6.

Chief Clerk of the House

Approved:

Date

Governor

JW

S.J.R. No. 26

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Speaker of the House

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Chief Clerk of the House

Approved:

6-11-73

Date

Signed

Governor

to be voted on
Nov. 6, 1973

FILED IN THE
SENATE
8:30 AM
JUN 13 1973

By _____
Secretary of State

Proposing an amendment to the Texas Constitution stating that the District Court concurrently with the County Court shall have the general jurisdiction of a Probate Court, etc.

Filed with the Secretary of the Senate

MAR 7 1973 Read, referred to Committee on JURISPRUDENCE

MAY 4 1973 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 21 1973 Senate and Constitutional Rules to permit consideration suspended by unanimous consent.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ days.

MAY 21 1973 Read second time and { ordered engrossed.
passed ~~by~~ _____.

Caption ordered amended to conform to body of bill.

MAY 21 1973 Senate and Constitutional 3-Day Rules suspended by vote of 29 years, 2 days to place bill on third reading and final passage.

MAY 21 1973 Read third time and passed by { ~~unanimous vote.~~
29 years, 2 days.

OTHER ACTION:

Charles Schnabel
Secretary of the Senate

May 21, 1973
Dr. W. Key

ENGROSSING CLERK

5JR - 26

MAY 21 1973

Received from
the Senate

Dorothy Hallman
Chief Clerk, House of Representatives

READ FIRST TIME
AND REFERRED TO COMMITTEE ON

Judiciary
MAY 22 1973
Dorothy Hallman
Chief Clerk, House of Representatives

MAY 23 1973 REPORTED FAVORABLY SENT TO CALENDAR COMMITTEE

MAY 25 1973

DATE

READ AND ADOPTED

126 yeas, 6 nays
Dorothy Hallman
Chief Clerk
House of Representatives

MAY 25 1973

RETURNED TO SENATE

MAY 25 1973

RETURNED MAY 26 1973
FROM HOUSE

May 21 1973 Engrossed
MAY 21 1973 Sent to HOUSE